

## Tex. Health &amp; Safety Code § 431.116

1 of 1 DOCUMENT

TEXAS STATUTES AND CODES ANNOTATED BY LEXISNEXIS(R)

\*\*\* THIS DOCUMENT IS CURRENT THROUGH ALL 2003 LEGISLATION \*\*\*

\*\*\* NO LEGISLATION ENACTED IN 2004 \*\*\*

\*\*\* March 2005 Annotation Service \*\*\*

## HEALTH AND SAFETY CODE

## TITLE 6. FOOD, DRUGS, ALCOHOL, AND HAZARDOUS SUBSTANCES

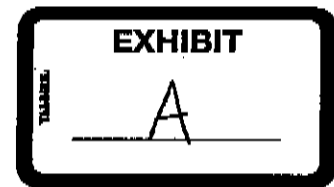
## SUBTITLE A. FOOD AND DRUG HEALTH REGULATIONS

## CHAPTER 431. TEXAS FOOD, DRUG, AND COSMETIC ACT

## SUBCHAPTER E. DRUGS AND DEVICES

## GO TO TEXAS CODE ARCHIVE DIRECTORY

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## § 431.116. Average Manufacturer Price

(a) In this section, "average manufacturer price" has the meaning assigned by 42 U.S.C. Section 1396r-8(k), as amended.

(b) A person who manufactures a drug, including a person who manufactures a generic drug, that is sold in this state shall file with the department:

- (1) the average manufacturer price for the drug; and
- (2) the price that each wholesaler in this state pays the manufacturer to purchase the drug.

(c) The information required under Subsection (b) must be filed annually or more frequently as determined by the department.

(d) The department and the attorney general may investigate the manufacturer to determine the accuracy of the information provided under Subsection (b). The attorney general may take action to enforce this section.

(e) The department shall report the information collected under Subsection (b) to the Interagency Council on Pharmaceuticals Bulk Purchasing.

(f) Notwithstanding any other state law, pricing information disclosed by manufacturers or labelers under this section may be provided by the department only to the Medicaid vendor drug purchase program for its sole use. The Medicaid vendor drug purchase program may use the information only as necessary to administer its drug programs, including Medicaid drug programs.

(g) Notwithstanding any other state law, pricing information disclosed by manufacturers or labelers under this section is confidential and, except as necessary to permit the attorney general to enforce state and federal laws, may not be disclosed by the Health and Human Services Commission or any other state agency in a form that discloses the identity of a specific manufacturer or labeler or the prices charged by a specific manufacturer or labeler for a specific drug.

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(h) The attorney general shall treat information obtained under this section in the same manner as information obtained by the attorney general through a civil investigative demand under Section 36.054, Human Resources Code.

(i) Notwithstanding any other state law, the penalties for unauthorized disclosure of confidential information under Chapter 552, Government Code, apply to unauthorized disclosure of confidential information under this section.

**HISTORY:** Stats. 2001 77th Leg. Sess. Ch. 1003, effective September 1, 2001; Stats. 2003 78th Leg. Sess. Ch. 198, effective September 1, 2003.